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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,870	02/27/2004	Vadim Fux	55525501.2558	7232
24325	7590	10/29/2008		
PATENT GROUP 2N				
JONES DAY				
NORTH POINT				
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CLEVELAND, OH 44114				
EXAMINER				
PATEL, MANGLESH M				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
10/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/788,870	Applicant(s) FUX ET AL.
Examiner MANGLESH M. PATEL	Art Unit 2178

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 24 and 26-42.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/CESAR B PAULA/
Primary Examiner, Art Unit 2178

Applicant Argues: The cited Flowers reference fails to disclose or otherwise suggest anything close to permanently storing font data in a client device. Rather, the Flowers reference specifically teaches away from storing font data structure on the client device (pg 9, paragraph 1)

Applicant Argues: ...in Flowers reference the FAF server must always send font data to the client device because the client device does not store any font data. Therefore, because the client device in Flowers does not store any font data, the FAF server does not make a comparison of stored font data on a client device, and refrain from sending font data that the client device already has stored. (pg 9, paragraph 3)

The Examiner Respectfully disagrees: Flowers In Fig 3A numeral 50 teaches that a client sends a get metric request to FAF server to obtain the desired metrics/fonts information for various characters. The FAF server then returns the requested font/matrics information as one or more property lists to the client device, thus thereby suggesting storage of the font data. In column 3, lines 20-25, Flowers teaches that on request from the client, the FAF font server provides the client with a list of font families. If the FAF server provides the client based on a request, than it provides a reasonable suggestion that the font data is stored on the client so infact that it can be displayed to the user. Furthermore the FAF server does infact make a comparison of stored data on a client device because in fig 3B numerals 60-64 Flowers describes that the Server checks to see if the MAP or outlines are in a format which the client understand, thereby performing a comparison between what's on the device to know if it can support the font data. Clearly if according to applicants argument, if Flowers did not make a comparison then what would be the need for steps 60-63 of fig 3B? Such a comparison is needed in Flowers so that the Client Device can successfully perform step 64 of fig 3B resulting in the Display of the Characters.

Applicant Argues: The Flowers reference does not disclose anything remotely close to finding the same missing font data if the data is not available on the client device. In no manner does Flowers attempt to locate font data not supported by the client device, and it was clear error for the Examiner to read Flowers as disclosing such. (pg 10, paragraph 2)

Therefore, Flowers cannot be read to teach a transfer of text data and font structure data when the corresponding font identifier is not found on the client device. Flowers cannot, and does not send font structure data to a client device when it is not supported by the device. (pg 10, paragraph 2)

The Examiner Respectfully disagrees: The purpose of having a FAF server is so that the device can obtain additional fonts not supported by the applications/operating system of the device thereby allowing the display of requesting information in the appropriate font. If according to Applicants argument, if Flowers does not attempt to locate unsupported font data, then it is unclear why the need to communicate with the FAF server using name-identifiers or for that matter (column 3, lines 45-52), the need to translate fonts into a client compatible format as disclosed in column 3, lines 10-18.